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Frank Edelblut
Commissioner



Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
Bureau of Career Development
21 South Fruit Street, Suite 20
Concord, NH 03301

March 4, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Department of Education to enter into a **sole source** Memorandum of Understanding (MOU) with the New Hampshire Department of Corrections, Concord, NH (Vendor Code 177896), in the amount of \$235,269.29 to assist in the operation of approved Career and Technical Education programs effective upon Governor & Council approval through June 30, 2023. 100% Federal Funds.

Funds to support this request are available in the account titled CTE Voc Ed-Federal in FY22 and FY23, with the authority to adjust encumbrances amongst Fiscal Years within the price limitation through the budget office, without further Governor and Council approval if needed and justified.

	<u>FY22</u>	<u>FY23</u>
06-56-560-562010-40260000-085-588546	\$98,000.00	\$137,269.29
Interagency XFR out of Fed FN		

EXPLANATION

The New Hampshire Department of Education is requesting a **sole source** Inter-agency MOU with the New Hampshire Department of Corrections, as they are the only entity appropriate to receive funding through The Strengthening Career and Technical Education for the 21st Century Act grant (Perkins V) to serve individuals in State institutions, State correctional facilities, or juvenile justice facilities. The State must allow for an amount equal to but not more than 2% of the State's Perkins V allocation of \$6 million be made to the New Hampshire Department of Corrections to aide in operating their Career and Technical Education or apprenticeship programs.

Approved expenditures of Perkins V funds include, but aren't limited to, the delivery of instruction, purchasing and upgrading of computer hardware and software, supplying professional development to teachers, and in acquiring periodicals and books for courses. There are

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
Page 2 of 2

approximately 300 individuals (male and female) who participate in Career and Technical Education programs within the New Hampshire Department of Corrections. Programs include Cosmetology, Automotive, Building Trades, Business, Computer/Technology, Culinary Arts and Introduction to the Workforce.

The New Hampshire Department of Corrections provides these programs to individuals residing in their facilities to assist in decreasing recidivism and ensure the attainment of an industry recognized credential within Career and Technical Education programs of study.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Edelblut". The signature is fluid and cursive, with a large initial "F" and "E".

Frank Edelblut
Commissioner of Education

Memorandum of Understanding Between
The State of New Hampshire Department of Education (DOE)
AND
The New Hampshire Department of Corrections (DOC)

A. AGREEMENT

This Memorandum of Understanding (MOU) is between the New Hampshire Department of Education (DOE), Bureau of Career Development, 21 South Fruit Street, Suite 20, Concord, NH 03301 and the New Hampshire Department of Corrections (DOC), 105 Pleasant Street, PO Box 1806, Concord, NH 03302-1806.

B. PURPOSE

The purpose of this MOU is to define the roles and responsibilities of the DOC and DOE around the provision of funds for the Strengthening Career and Technical Education for the 21st Century Act (Perkins V). Section I 12(a)(2)(A) of Perkins V allows for "an amount equal to not more than 2 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities".

C. SCOPE OF WORK

RESPONSIBILITIES OF THE NH DEPARTMENT OF CORRECTIONS

- i. Ensure that residents completing Career and Technical Education (CTE) programs or classes earn industry-recognized credentials, including licenses, certificates, and stackable credentials to the greatest extent practicable.
- ii. Follow all applicable Federal terms, conditions, and regulations associated with Perkins V, as outlined in 2 CFR 200.
- iii. Retain records, including financial records, associated with allocated Perkins V funds and make them available for review by the NH Department of Education's Bureau of Federal Compliance and Bureau of Career Development as part of regular monitoring of Perkins V.

RESPONSIBILITIES OF THE NH DEPARTMENT OF EDUCATION

- i. Provide a Perkins V allocation of \$98,000 for FY22 and \$137,269.29 for FY23 to cover costs associated with the provision of Career and Technical Education programs and classes at the Concord Prison for Men and the Concord Prison for Women as funds are available.
- ii. Conduct regular program monitoring, to ensure programs are effectively serving residents and providing program participants with skills and competencies to enter into employment upon release.

Memorandum of Understanding Between
The State of New Hampshire Department of Education (DOE)
AND
The New Hampshire Department of Corrections (DOC)

- iii. Provide technical assistance for CTE programs and classes, either upon request by the DOC, or as a result of corrective actions identified as part of routine program monitoring.

D. PAYMENT FOR SERVICES, ALLOCATION OF PERKINS V FEDERAL FUNDS

- i. Limitation on Price: Upon mutual agreement between the state contracting officer and the DOC, line items in this budget may be adjusted one to another, but in no case shall the total budget exceed the price limitation of \$235,269.29.
- ii. Source of Funding: Funds to support this request are available in the account titled CTE Voc Ed-Federal (06-56-560-562010-40260000-085-588546) in amount of \$98,000.00 for FY22 and \$137,269.29 for FY23, as an interagency transfer out of Federal funds, with the authority to adjust encumbrances amongst Fiscal Years within the price limitation through the budget office, without further Governor and Council approval if needed and justified.
- iii. Method of Payment: The New Hampshire Department of Corrections (“DOC”) will provide a monthly invoice of expenses incurred by the 10th of each month with the final invoice for each fiscal year being submitted no later than June 30th to receive their Strengthening Career and Technical Education for the 21st Century Act funds allocation (Perkins V) for Allowable Expenses (Perkins V approved expenditures.). There are no specific reporting requirements the DOC needs to complete. Send invoices to:

Jeff Beard, Deputy State Director for Career and Technical Education
New Hampshire Department of Education
Bureau of Career Development
21 South Fruit Street, Suite 20
Concord, NH 03301

E. EVALUATION

There are no specific reporting requirements the DOC needs to complete, per legislation, to receive Perkins V funding.

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F. MISCELLANEOUS

- i. All obligations are contingent upon the continued availability of funds through Perkins V. The DOE shall not be required to transfer funds from any other source in the event that such funds become unavailable.
- ii. Disputes arising under this MOU that cannot be resolved between agencies shall be referred to the New Hampshire Department of Justice for review.
- iii. This MOU shall be construed in accordance with the laws of the State of New Hampshire.

G. DURATION

This MOU is effective upon Governor and Executive Council approval through June 30, 2023.

H. TERMINATION

Either party may terminate this agreement with 30 days written notice to other party, or any time mutually agreed to by the parties. Upon termination of the agreement, DOE will resume responsibility for any procurement related functions assumed by DOC under this memorandum and DOE will not be obligated to pay any outstanding balance due to DOC beginning the month immediately following the effective date of termination of this agreement.

I. MODIFICATION

The parties may modify this MOU by mutual written agreement at any time, subject to the approval of Governor and Executive Council approval.

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AND
The New Hampshire Department of Corrections (DOC)

IN WITNESS WHEREOF, the respective parties have hereunto set their hand on the dates indicated.

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

Date: 4/4/2022



By: Frank Edelblut, Commissioner of Education

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS

Date: 3/30/2022



By: Helen Hanks, Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF JUSTICE

Date: 4/6/2022



By: Christopher Bond, Attorney